

1.19 ARTICLE 1

1.20 WOMEN'S ECONOMIC SECURITY ACT

1.21 Section 1. CITATION; WOMEN'S ECONOMIC SECURITY ACT.

1.22 This act shall be known as the Women's Economic Security Act.

1.23 ARTICLE 2

1.24 ECONOMIC SECURITY

1.25 Section 1. Minnesota Statutes 2012, section 13.552, is amended by adding a
1.26 subdivision to read:

2.1 Subd. 7. **Equal pay certificate of compliance.** Access to data relating to equal pay
2.2 certificates of compliance is governed by section 363A.44.

2.3 Sec. 2. Minnesota Statutes 2013 Supplement, section 116L.665, subdivision 2, is
2.4 amended to read:

2.5 Subd. 2. **Membership.** The governor's Workforce Development Council is
2.6 composed of 31 members appointed by the governor. The members may be removed
2.7 pursuant to section 15.059. In selecting the representatives of the council, the governor
2.8 shall ensure that 50 percent of the members come from nominations provided by local
2.9 workforce councils. Local education representatives shall come from nominations
2.10 provided by local education to employment partnerships. The 31 members shall represent
2.11 the following sectors:

2.12 (a) State agencies: the following individuals shall serve on the council:

2.13 (1) commissioner of the Minnesota Department of Employment and Economic
2.14 Development;

2.15 (2) commissioner of the Minnesota Department of Education; and

2.16 (3) commissioner of the Minnesota Department of Human Services.

2.17 (b) Business and industry: six individuals shall represent the business and industry
2.18 sectors of Minnesota.

2.19 (c) Organized labor: six individuals shall represent labor organizations of Minnesota.

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2.10 Development;

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2.13 (b) Business and industry: six individuals shall represent the business and industry
2.14 sectors of Minnesota.

2.15 (c) Organized labor: six individuals shall represent labor organizations of Minnesota.

2.20 (d) Community-based organizations: four individuals shall represent
 2.21 community-based organizations of Minnesota. Community-based organizations are
 2.22 defined by the Workforce Investment Act as private nonprofit organizations that are
 2.23 representative of communities or significant segments of communities and that have
 2.24 demonstrated expertise and effectiveness in the field of workforce investment and may
 2.25 include entities that provide job training services, serve youth, serve individuals with
 2.26 disabilities, serve displaced homemakers, union-related organizations, employer-related
 2.27 nonprofit organizations, and organizations serving nonreservation Indians and tribal
 2.28 governments.

2.29 (e) Education: six individuals shall represent the education sector of Minnesota
 2.30 as follows:

2.31 (1) one individual shall represent local public secondary education;

2.32 (2) one individual shall have expertise in design and implementation of school-based
 2.33 service-learning;

2.34 (3) one individual shall represent leadership of the University of Minnesota;

2.35 (4) one individual shall represent secondary/postsecondary vocational institutions;

3.1 (5) the chancellor of the Board of Trustees of the Minnesota State Colleges and
 3.2 Universities; and

3.3 (6) one individual shall have expertise in agricultural education.

3.4 (f) Other: two individuals shall represent other constituencies including:

3.5 (1) units of local government; and

3.6 (2) applicable state or local programs.

3.7 The speaker and the minority leader of the house of representatives shall each
 3.8 appoint a representative to serve as an ex officio member of the council. The majority
 3.9 and minority leaders of the senate shall each appoint a senator to serve as an ex officio
 3.10 member of the council.

3.11 The governor shall appoint one individual representing public libraries, one
 3.12 individual with expertise in assisting women in obtaining employment in high-wage,
 3.13 high-demand, nontraditional occupations, and one individual representing adult basic
 3.14 education programs to serve as a nonvoting ~~adviser~~ advisors to the council.

3.15 (g) Appointment: each member shall be appointed for a term of three years from the
 3.16 first day of January or July immediately following their appointment. Elected officials
 3.17 shall forfeit their appointment if they cease to serve in elected office.

3.18 (h) Members of the council are compensated as provided in section 15.059,
 3.19 subdivision 3.

2.16 (d) Community-based organizations: four individuals shall represent
 2.17 community-based organizations of Minnesota. Community-based organizations are
 2.18 defined by the Workforce Investment Act as private nonprofit organizations that are
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3.6 The governor shall appoint one individual representing public libraries, one
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 3.8 occupations, and one individual representing adult basic education programs to serve as a
 3.9 nonvoting ~~adviser~~ advisors to the council.

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 3.11 first day of January or July immediately following their appointment. Elected officials
 3.12 shall forfeit their appointment if they cease to serve in elected office.

3.13 (h) Members of the council are compensated as provided in section 15.059,
 3.14 subdivision 3.

3.20 Sec. 3. **[116L.99] WOMEN AND HIGH-WAGE, HIGH-DEMAND,**
3.21 **NONTRADITIONAL JOBS GRANT PROGRAM.**

3.22 Subdivision 1. **Definitions.** (a) For the purpose of this section, the following terms
3.23 have the meanings given.

3.24 (b) "Commissioner" means the commissioner of employment and economic
3.25 development.

3.26 (c) "Eligible organization" includes, but is not limited to:

3.27 (1) community-based organizations experienced in serving women;

3.28 (2) employers;

3.29 (3) business and trade associations;

3.30 (4) labor unions and employee organizations;

3.31 (5) registered apprenticeship programs;

3.32 (6) secondary and postsecondary education institutions located in Minnesota; and

3.33 (7) workforce and economic development agencies.

3.15 Sec. 2. Minnesota Statutes 2012, section 116L.98, is amended to read:

3.16 **116L.98 WORKFORCE PROGRAM OUTCOMES.**

3.17 The commissioner shall develop and implement a set of standard approaches

3.18 for assessing the outcomes of workforce programs under this chapter. The outcomes

3.19 assessed must include, but are not limited to, periodic comparisons of workforce program

3.20 participants and nonparticipants. By January 1 of each year, the commissioner shall

3.21 report to the legislature on progress and outcomes of workforce programs, including the

3.22 requirements under section 116L.99. The report regarding outcomes of activities under

3.23 section 116L.99 must include data on:

3.24 (1) the gender, race, and age of participants, including cross tabulations;

3.25 (2) occupations;

3.26 (3) geography;

3.27 (4) advancement salaries; and

3.28 (5) the gender pay gap within occupations.

3.29 The commissioner shall also monitor the activities and outcomes of programs and

3.30 services funded by legislative appropriations and administered by the department on a

3.31 pass-through basis and develop a consistent and equitable method of assessing recipients

3.32 for the costs of its monitoring activities.

3.33 Sec. 3. **[116L.99] WOMEN AND NONTRADITIONAL JOBS GRANT**
3.34 **PROGRAM.**

4.1 Subdivision 1. **Definitions.** (a) For the purpose of this section, the following terms

4.2 have the meanings given.

4.3 (b) "Commissioner" means the commissioner of employment and economic

4.4 development.

4.5 (c) "Eligible organization" includes, but is not limited to:

4.6 (1) community-based organizations experienced in serving women;

4.7 (2) employers;

4.8 (3) business and trade associations;

4.9 (4) labor unions and employee organizations;

4.10 (5) registered apprenticeship programs;

4.11 (6) secondary and postsecondary education institutions located in Minnesota; and

4.12 (7) workforce and economic development agencies.

3.34 (d) "High-wage, high-demand" means occupations that represent at least 0.1 percent
 3.35 of total employment in the base year, have an annual median salary which is higher than
 4.1 the average for the current year, and are projected to have more total openings as a share
 4.2 of employment than the average.

4.3 (e) "Low-income" means income less than 200 percent of the federal poverty
 4.4 guideline adjusted for a family size of four.

4.5 (f) "Nontraditional occupations" means those occupations in which women make
 4.6 up less than 25 percent of the workforce as defined under United States Code, title 20,
 4.7 section 2302.

4.8 (g) "Registered apprenticeship program" means a program registered under United
 4.9 States Code, title 29, section 50.

4.10 Subd. 2. **Grant program.** The commissioner shall establish the women and
 4.11 high-wage, high-demand, nontraditional jobs grant program to increase the number of
 4.12 women in high-wage, high-demand, nontraditional occupations. The commissioner shall
 4.13 make grants to eligible organizations for programs that encourage and assist women to enter
 4.14 high-wage, high-demand, nontraditional occupations including but not limited to those in
 4.15 the skilled trades, science, technology, engineering, and math (STEM) occupations.

4.16 Subd. 3. **Use of funds.** (a) Grant funds awarded under this section may be used for:

4.17 (1) recruitment, preparation, placement, and retention of women, including
 4.18 low-income women and women over 50 years old, in registered apprenticeships,
 4.19 postsecondary education programs, on-the-job training, and permanent employment in
 4.20 high-wage, high-demand, nontraditional occupations;

4.21 (2) secondary or postsecondary education or other training to prepare women
 4.22 to succeed in high-wage, high-demand, nontraditional occupations. Activities under
 4.23 this clause may be conducted by the grantee or in collaboration with another institution,
 4.24 including but not limited to a public or private secondary or postsecondary school;

4.25 (3) innovative, hands-on, best practices that stimulate interest in high-wage,
 4.26 high-demand, nontraditional occupations among girls, increase awareness among
 4.27 girls about opportunities in high-wage, high-demand, nontraditional occupations, or
 4.28 increase access to secondary programming leading to jobs in high-wage, high-demand,
 4.29 nontraditional occupations. Best practices include but are not limited to mentoring,
 4.30 internships, or apprenticeships for girls in high-wage, high-demand, nontraditional
 4.31 occupations;

4.32 (4) training and other staff development for job seeker counselors and Minnesota
 4.33 family investment program (MFIP) caseworkers on opportunities in high-wage,
 4.34 high-demand, nontraditional occupations;

4.13 (d) "Nontraditional occupations" means those occupations in which women make
 4.14 up less than 25 percent of the workforce as defined under United States Code, title 20,
 4.15 section 2302.

4.16 (e) "Registered apprenticeship program" means a program registered under United
 4.17 States Code, title 29, section 50.

4.18 Subd. 2. **Grant program.** The commissioner shall establish the women and
 4.19 nontraditional jobs grant program to increase the number of women in high-wage,
 4.20 nontraditional occupations. The commissioner shall make grants to eligible organizations
 4.21 for programs that encourage and assist women to enter high-wage, high-demand,
 4.22 nontraditional occupations including but not limited to those in the skilled trades, science,
 4.23 technology, engineering, and math (STEM) occupations.

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 4.26 low-income women and women over 50 years old, in registered apprenticeships,
 4.27 postsecondary education programs, on-the-job training, and permanent employment in
 4.28 high-wage, high-demand, nontraditional occupations;

4.29 (2) secondary or postsecondary education or other training to prepare women to
 4.30 succeed in nontraditional occupations. Activities under this clause may be conducted by
 4.31 the grantee or in collaboration with another institution, including but not limited to a
 4.32 public or private secondary or postsecondary school;

4.33 (3) innovative, hands-on, best practices that stimulate interest in nontraditional
 4.34 occupations among girls, increase awareness among girls about opportunities in
 4.35 nontraditional occupations, or increase access to secondary programming leading to jobs
 5.1 in nontraditional occupations. Best practices include but are not limited to mentoring,
 5.2 internships, or apprenticeships for girls in nontraditional occupations;

5.3 (4) training and other staff development for job seeker counselors and Minnesota
 5.4 family investment program (MFIP) caseworkers on opportunities in nontraditional
 5.5 occupations;

5.1 (5) incentives for employers and sponsors of registered apprenticeship programs
5.2 to retain women in high-wage, high-demand, nontraditional occupations for more than
5.3 one year;

5.4 (6) training and technical assistance for employers to create a safe and healthy
5.5 workplace environment designed to retain and advance women, including best practices
5.6 for addressing sexual harassment, and to overcome gender inequity among employers
5.7 and registered apprenticeship programs;

5.8 (7) public education and outreach activities to overcome stereotypes about women
5.9 in high-wage, high-demand, nontraditional occupations, including the development of
5.10 educational and marketing materials; and

5.11 (8) support for women in high-wage, high-demand, nontraditional occupations
5.12 including but not limited to assistance with workplace issues resolution and access to
5.13 advocacy assistance and services.

5.14 (b) Grant applications must include detailed information about how the applicant
5.15 plans to:

5.16 (1) increase women's participation in high-wage, high-demand occupations in which
5.17 women are currently underrepresented in the workforce;

5.18 (2) comply with the requirements under subdivision 3; and

5.19 (3) use grant funds in conjunction with funding from other public or private sources.

5.20 (c) In awarding grants under this subdivision, the commissioner shall give priority
5.21 to eligible organizations;

5.22 (1) with demonstrated success in recruiting and preparing women, especially
5.23 low-income women and women over 50 years old, for high-wage, high-demand,
5.24 nontraditional occupations; and

5.25 (2) that leverage additional public and private resources.

5.26 (d) At least 50 percent of total grant funds must be awarded to programs providing
5.27 services and activities targeted to low-income women.

5.28 (e) The commissioner of employment and economic development in conjunction
5.29 with the commissioner of labor and industry shall monitor the use of funds under this
5.30 section, collect and compile information on the activities of other state agencies and public
5.31 or private entities that have purposes similar to those under this section, and identify other
5.32 public and private funding available for these purposes.

5.33 Sec. 4. Minnesota Statutes 2012, section 268.095, subdivision 1, is amended to read:

5.6 (5) incentives for employers and sponsors of registered apprenticeship programs to
5.7 retain women in nontraditional occupations for more than one year;

5.8 (6) training and technical assistance for employers to create a safe and healthy
5.9 workplace environment designed to retain and advance women, including best practices
5.10 for addressing sexual harassment, and to overcome gender inequity among employers
5.11 and registered apprenticeship programs;

5.12 (7) public education and outreach activities to overcome stereotypes about women
5.13 in nontraditional occupations, including the development of educational and marketing
5.14 materials; and

5.15 (8) support for women in nontraditional occupations including but not limited to
5.16 assistance with workplace issues resolution and access to advocacy assistance and services.

5.17 (b) Grant applications must include detailed information about how the applicant
5.18 plans to:

5.19 (1) increase women's participation in high-wage, high-demand occupations in which
5.20 women are currently underrepresented in the workforce;

5.21 (2) comply with the requirements under paragraph (a); and

5.22 (3) use grant funds in conjunction with funding from other public or private sources.

5.23 (c) In awarding grants under this subdivision, the commissioner shall give priority
5.24 to eligible organizations;

5.25 (1) with demonstrated success in recruiting and preparing women, especially
5.26 low-income women and women over 50 years old, for nontraditional occupations; and

5.27 (2) that leverage additional public and private resources.

5.28 (d) At least 50 percent of total grant funds must be awarded to programs providing
5.29 services and activities targeted to women with family incomes of less than 200 percent
5.30 of the federal poverty guidelines.

5.31 (e) The commissioner of employment and economic development in conjunction
5.32 with the commissioner of labor and industry shall monitor the use of funds under this
5.33 section, collect and compile information on the activities of other state agencies and public
5.34 or private entities that have purposes similar to those under this section, and identify other
5.35 public and private funding available for these purposes.

16.32 Sec. 8. Minnesota Statutes 2012, section 268.095, subdivision 1, is amended to read:

5.34 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all
5.35 unemployment benefits according to subdivision 10 except when:

6.1 (1) the applicant quit the employment because of a good reason caused by the
6.2 employer as defined in subdivision 3;

6.3 (2) the applicant quit the employment to accept other covered employment that
6.4 provided substantially better terms and conditions of employment, but the applicant did
6.5 not work long enough at the second employment to have sufficient subsequent earnings to
6.6 satisfy the period of ineligibility that would otherwise be imposed under subdivision 10
6.7 for quitting the first employment;

6.8 (3) the applicant quit the employment within 30 calendar days of beginning the
6.9 employment because the employment was unsuitable for the applicant;

6.10 (4) the employment was unsuitable for the applicant and the applicant quit to enter
6.11 reemployment assistance training;

6.12 (5) the employment was part time and the applicant also had full-time employment
6.13 in the base period, from which full-time employment the applicant separated because of
6.14 reasons for which the applicant was held not to be ineligible, and the wage credits from
6.15 the full-time employment are sufficient to meet the minimum requirements to establish a
6.16 benefit account under section 268.07;

6.17 (6) the applicant quit because the employer notified the applicant that the applicant
6.18 was going to be laid off because of lack of work within 30 calendar days. An applicant
6.19 who quit employment within 30 calendar days of a notified date of layoff because of lack
6.20 of work is ineligible for unemployment benefits through the end of the week that includes
6.21 the scheduled date of layoff;

6.22 (7) the applicant quit the employment (i) because the applicant's serious illness or
6.23 injury made it medically necessary that the applicant quit; or (ii) in order to provide
6.24 necessary care because of the illness, injury, or disability of an immediate family member
6.25 of the applicant. This exception only applies if the applicant informs the employer of
6.26 the medical problem and requests accommodation and no reasonable accommodation
6.27 is made available.

6.28 If the applicant's serious illness is chemical dependency, this exception does not
6.29 apply if the applicant was previously diagnosed as chemically dependent or had treatment
6.30 for chemical dependency, and since that diagnosis or treatment has failed to make
6.31 consistent efforts to control the chemical dependency.

6.32 This exception raises an issue of the applicant's being available for suitable
6.33 employment under section 268.085, subdivision 1, that the commissioner must determine;

17.1 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all
17.2 unemployment benefits according to subdivision 10 except when:

17.3 (1) the applicant quit the employment because of a good reason caused by the
17.4 employer as defined in subdivision 3;

17.5 (2) the applicant quit the employment to accept other covered employment that
17.6 provided substantially better terms and conditions of employment, but the applicant did
17.7 not work long enough at the second employment to have sufficient subsequent earnings to
17.8 satisfy the period of ineligibility that would otherwise be imposed under subdivision 10
17.9 for quitting the first employment;

17.10 (3) the applicant quit the employment within 30 calendar days of beginning the
17.11 employment because the employment was unsuitable for the applicant;

17.12 (4) the employment was unsuitable for the applicant and the applicant quit to enter
17.13 reemployment assistance training;

17.14 (5) the employment was part time and the applicant also had full-time employment
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17.17 the full-time employment are sufficient to meet the minimum requirements to establish a
17.18 benefit account under section 268.07;

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17.20 was going to be laid off because of lack of work within 30 calendar days. An applicant
17.21 who quit employment within 30 calendar days of a notified date of layoff because of lack
17.22 of work is ineligible for unemployment benefits through the end of the week that includes
17.23 the scheduled date of layoff;

17.24 (7) the applicant quit the employment (i) because the applicant's serious illness or
17.25 injury made it medically necessary that the applicant quit; or (ii) in order to provide
17.26 necessary care because of the illness, injury, or disability of an immediate family member
17.27 of the applicant. This exception only applies if the applicant informs the employer of
17.28 the medical problem and requests accommodation and no reasonable accommodation
17.29 is made available.

17.30 If the applicant's serious illness is chemical dependency, this exception does not
17.31 apply if the applicant was previously diagnosed as chemically dependent or had treatment
17.32 for chemical dependency, and since that diagnosis or treatment has failed to make
17.33 consistent efforts to control the chemical dependency.

17.34 This exception raises an issue of the applicant's being available for suitable
17.35 employment under section 268.085, subdivision 1, that the commissioner must determine;

6.34 (8) the applicant's loss of child care for the applicant's minor child caused the
6.35 applicant to quit the employment, provided the applicant made reasonable effort to obtain
7.1 other child care and requested time off or other accommodation from the employer and no
7.2 reasonable accommodation is available.

7.3 This exception raises an issue of the applicant's being available for suitable
7.4 employment under section 268.085, subdivision 1, that the commissioner must determine;

7.5 (9) ~~the applicant quit because domestic abuse, sexual assault, or stalking of the~~
7.6 applicant or an immediate family member of the applicant, necessitated the applicant's
7.7 quitting the employment. ~~Domestic abuse must be shown by one or more of the following:~~

7.8 ~~(i) a district court order for protection or other documentation of equitable relief~~
7.9 ~~issued by a court;~~

7.10 ~~(ii) a police record documenting the domestic abuse;~~

7.11 ~~(iii) documentation that the perpetrator of the domestic abuse has been convicted~~
7.12 ~~of the offense of domestic abuse;~~

7.13 ~~(iv) medical documentation of domestic abuse; or~~

7.14 ~~(v) written statement that the applicant or an immediate family member of the~~
7.15 applicant is a victim of domestic abuse, provided by a social worker, member of the
7.16 clergy, shelter worker, attorney at law, or other professional who has assisted the applicant
7.17 in dealing with the domestic abuse.

7.18 Domestic abuse for purposes of this clause is defined under section 518B.01; or

7.19 For purposes of this section:

7.20 (i) "domestic abuse" has the meaning given in section 518B.01;

7.21 (ii) "sexual assault" means an act that would constitute a violation of sections
7.22 609.342 to 609.3453 or 609.352; and

7.23 (iii) "stalking" means an act that would constitute a violation of section 609.749; or

7.24 (10) the applicant quit in order to relocate to accompany a spouse whose job location
7.25 changed making it impractical for the applicant to commute.

7.26 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all
7.27 determinations and appeal decisions issued on or after that date.

7.28 Sec. 5. Minnesota Statutes 2012, section 268.095, subdivision 6, is amended to read:

7.29 Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any
7.30 intentional, negligent, or indifferent conduct, on the job or off the job that displays clearly:

18.1 (8) the applicant's loss of child care for the applicant's minor child caused the
18.2 applicant to quit the employment, provided the applicant made reasonable effort to obtain
18.3 other child care and requested time off or other accommodation from the employer and no
18.4 reasonable accommodation is available.

18.5 This exception raises an issue of the applicant's being available for suitable
18.6 employment under section 268.085, subdivision 1, that the commissioner must determine;

18.7 (9) ~~the applicant quit because domestic abuse, sexual assault, or stalking of the~~
18.8 applicant or an immediate family member of the applicant, necessitated the applicant's
18.9 quitting the employment. ~~Domestic abuse must be shown by one or more of the following:~~

18.10 ~~(i) a district court order for protection or other documentation of equitable relief~~
18.11 ~~issued by a court;~~

18.12 ~~(ii) a police record documenting the domestic abuse;~~

18.13 ~~(iii) documentation that the perpetrator of the domestic abuse has been convicted~~
18.14 ~~of the offense of domestic abuse;~~

18.15 ~~(iv) medical documentation of domestic abuse; or~~

18.16 ~~(v) written statement that the applicant or an immediate family member of the~~
18.17 applicant is a victim of domestic abuse, provided by a social worker, member of the
18.18 clergy, shelter worker, attorney at law, or other professional who has assisted the applicant
18.19 in dealing with the domestic abuse.

18.20 Domestic abuse for purposes of this clause is defined under section 518B.01; or

18.21 For purposes of this paragraph:

18.22 (1) "domestic abuse" has the meaning given in section 518B.01;

18.23 (2) "sexual assault" means an act that would constitute a violation of sections
18.24 609.342 to 609.3453 or 609.352; and

18.25 (3) "stalking" means an act that would constitute a violation of section 609.749; or

18.26 (10) the applicant quit in order to relocate to accompany a spouse whose job location
18.27 changed making it impractical for the applicant to commute.

18.28 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all
18.29 determinations and appeal decisions issued on or after that date.

18.30 Sec. 9. Minnesota Statutes 2012, section 268.095, subdivision 6, is amended to read:

18.31 Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any
18.32 intentional, negligent, or indifferent conduct, on the job or off the job that displays clearly:

7.31 (1) a serious violation of the standards of behavior the employer has the right to
 7.32 reasonably expect of the employee; or

7.33 (2) a substantial lack of concern for the employment.

7.34 (b) Regardless of paragraph (a), the following is not employment misconduct:

7.35 (1) conduct that was a consequence of the applicant's mental illness or impairment;

8.1 (2) conduct that was a consequence of the applicant's inefficiency or inadvertence;

8.2 (3) simple unsatisfactory conduct;

8.3 (4) conduct an average reasonable employee would have engaged in under the
 8.4 circumstances;

8.5 (5) conduct that was a consequence of the applicant's inability or incapacity;

8.6 (6) good faith errors in judgment if judgment was required;

8.7 (7) absence because of illness or injury of the applicant, with proper notice to the
 8.8 employer;

8.9 (8) absence, with proper notice to the employer, in order to provide necessary care
 8.10 because of the illness, injury, or disability of an immediate family member of the applicant;

8.11 (9) conduct that was a consequence of the applicant's chemical dependency, unless
 8.12 the applicant was previously diagnosed chemically dependent or had treatment for
 8.13 chemical dependency, and since that diagnosis or treatment has failed to make consistent
 8.14 efforts to control the chemical dependency; or

8.15 (10) conduct that was a consequence of the applicant, or an immediate family
 8.16 member of the applicant, being a victim of domestic abuse as defined under section
 8.17 ~~518B:01, sexual assault, or stalking. Domestic abuse must be shown as provided for in~~
 8.18 ~~subdivision 1, clause (9).~~

8.19 (c) Regardless of paragraph (b), clause (9), conduct in violation of sections 169A.20,
 8.20 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment
 8.21 is employment misconduct.

8.22 (d) If the conduct for which the applicant was discharged involved only a single
 8.23 incident, that is an important fact that must be considered in deciding whether the conduct
 8.24 rises to the level of employment misconduct under paragraph (a). This paragraph does
 8.25 not require that a determination under section 268.101 or decision under section 268.105
 8.26 contain a specific acknowledgment or explanation that this paragraph was considered.

8.27 (e) The definition of employment misconduct provided by this subdivision is
 8.28 exclusive and no other definition applies.

18.33 (1) a serious violation of the standards of behavior the employer has the right to
 18.34 reasonably expect of the employee; or

18.35 (2) a substantial lack of concern for the employment.

19.1 (b) Regardless of paragraph (a), the following is not employment misconduct:

19.2 (1) conduct that was a consequence of the applicant's mental illness or impairment;

19.3 (2) conduct that was a consequence of the applicant's inefficiency or inadvertence;

19.4 (3) simple unsatisfactory conduct;

19.5 (4) conduct an average reasonable employee would have engaged in under the
 19.6 circumstances;

19.7 (5) conduct that was a consequence of the applicant's inability or incapacity;

19.8 (6) good faith errors in judgment if judgment was required;

19.9 (7) absence because of illness or injury of the applicant, with proper notice to the
 19.10 employer;

19.11 (8) absence, with proper notice to the employer, in order to provide necessary care
 19.12 because of the illness, injury, or disability of an immediate family member of the applicant;

19.13 (9) conduct that was a consequence of the applicant's chemical dependency, unless
 19.14 the applicant was previously diagnosed chemically dependent or had treatment for
 19.15 chemical dependency, and since that diagnosis or treatment has failed to make consistent
 19.16 efforts to control the chemical dependency; or

19.17 (10) conduct that was a consequence of the applicant, or an immediate family
 19.18 member of the applicant, being a victim of domestic abuse as defined under section
 19.19 ~~518B:01, sexual assault, or stalking. Domestic abuse must be shown as provided for in~~
 19.20 ~~subdivision 1, clause (9).~~

19.21 (c) Regardless of paragraph (b), clause (9), conduct in violation of sections 169A.20,
 19.22 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment
 19.23 is employment misconduct.

19.24 (d) If the conduct for which the applicant was discharged involved only a single
 19.25 incident, that is an important fact that must be considered in deciding whether the conduct
 19.26 rises to the level of employment misconduct under paragraph (a). This paragraph does
 19.27 not require that a determination under section 268.101 or decision under section 268.105
 19.28 contain a specific acknowledgment or explanation that this paragraph was considered.

19.29 (e) The definition of employment misconduct provided by this subdivision is
 19.30 exclusive and no other definition applies.

8.29 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all
 8.30 determinations and appeal decisions issued on or after that date.

8.31 Sec. 6. **[363A.44] EQUAL PAY CERTIFICATE OF COMPLIANCE.**

8.32 Subdivision 1. **Scope.** No department or agency of the state may execute a contract
 8.33 in excess of \$500,000 with a business that has 50 or more full-time employees in this
 8.34 state or a state where the business has its primary place of business on a single working
 8.35 day during the previous 12 months unless the business has an equal pay certificate of
 9.1 compliance. For purposes of this section, a business does not include an entity or a parent
 9.2 or subsidiary of the entity with a contract with a department or agency of the state if the
 9.3 entity has a license, certification, registration, provider agreement, or provider enrollment
 9.4 contract which are a prerequisite to receive reimbursement for providing goods and
 9.5 services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I, and 256L.
 9.6 The commissioner shall issue an equal pay certificate of compliance to a business that
 9.7 submits to the commissioner a statement that:

9.8 (1) its compensation policies or practices are based on the principle of equal pay
 9.9 for equal work, and are in compliance with title VII of the Civil Rights Act of 1964, the
 9.10 Equal Pay Act of 1963, the Minnesota Human Rights Act, and the Minnesota Equal
 9.11 Pay for Equal Work Law;

9.12 (2) its wage schedules and other compensation formulas are not related to, or based
 9.13 on, the sex of its employees;

9.14 (3) it does not restrict employees of one sex to certain job classifications and makes
 9.15 retention and promotion of qualified employees without regard to sex;

9.16 (4) its contributions to insurance, pensions, and other benefit plans are not related to,
 9.17 or based on, the sex of its employees; and

9.18 (5) the average compensation for its female employees is not consistently below the
 9.19 average compensation for its male employees within each of the major job categories in
 9.20 the EEO-1 employee information report for which an employee is expected to perform
 9.21 work under the contract, taking into account factors such as length of service, requirements
 9.22 of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or
 9.23 other mitigating factors.

19.31 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all
 19.32 determinations and appeal decisions issued on or after that date.

6.32 Sec. 5. **[363A.44] EQUAL PAY CERTIFICATE.**

6.33 Subdivision 1. **Scope.** (a) No department, agency of the state, the Metropolitan
 6.34 Council, or an agency subject to section 473.143, subdivision 1, shall execute a contract or
 6.35 agreement in excess of \$500,000 with a business that has 40 or more full-time employees
 7.1 in this state or a state where the business has its primary place of business on a single
 7.2 day during the prior 12 months, unless the business has an equal pay certificate or it has
 7.3 certified in writing that it is exempt. For purposes of this section, a business does not
 7.4 include an entity with a contract with a department or agency of the state if the entity has a
 7.5 license, certification, registration, provider agreement, or provider enrollment contract,
 7.6 which are prerequisite to providing goods and services to consumers under chapters 43A,
 7.7 62A, 62C, 62D, 62E, 256B, 256L, and 256I. A certificate is valid for four years.

7.8 (b) This section does not apply to contracts entered into by the State Board of
 7.9 Investment for investment options under section 352.965, subdivision 4.

9.24 Subd. 2. **Application; issuance; duration.** A business applying for a certificate
9.25 of compliance must pay a \$150 fee to the commissioner. The commissioner must issue
9.26 a business an equal pay certificate of compliance, or a statement of why the application
9.27 was rejected, within 15 days of receipt of the application and the filing fee. An equal pay
9.28 certificate of compliance is valid for four years. Proceeds of the filing fee are appropriated
9.29 to the commissioner for purposes of this section.

9.30 Subd. 3. **Conditions; audit.** (a) As a condition of receiving an equal pay certificate
9.31 of compliance, and as a condition of the contract that is subject to this section, a business
9.32 must agree that:
9.33 (1) the commissioner may audit the business's compliance with this section; and
9.34 (2) the commissioner or the agency entering into the contract may void a contract if
9.35 the commissioner determines that the business is not in compliance with items specified in
9.36 subdivision 1, clauses (1) to (5).

7.10 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate
7.11 by paying a \$150 filing fee and submitting an equal pay compliance statement to the
7.12 commissioner. The proceeds from the fees collected under this subdivision shall be
7.13 deposited in an equal pay certificate special revenue account. Money in the account is
7.14 appropriated to the commissioner for the purposes of this section. The commissioner shall
7.15 issue an equal pay certificate of compliance to a business that submits to the commissioner
7.16 a statement signed by the chairperson of the board or chief executive officer of the business:

7.17 (1) that the business is in compliance with Title VII of the Civil Rights Act of 1964,
7.18 Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for
7.19 Equal Work Law;

7.20 (2) that wage and benefit disparities are corrected when identified to ensure
7.21 compliance with the laws cited in clause (1); and

7.22 (3) how often wages and benefits are evaluated to ensure compliance with the laws
7.23 cited in clause (1).

7.24 (b) The equal pay compliance statement shall also indicate whether the business, in
7.25 setting compensation and benefits, utilizes:

7.26 (1) a market pricing approach;

7.27 (2) state prevailing wage or union contract requirements;

7.28 (3) a performance pay system;

7.29 (4) an internal analysis; or

7.30 (5) an alternative approach to determine what level of wages and benefits to pay
7.31 its employees. If the business uses an alternative approach, the business must provide a
7.32 description of its approach.

7.33 (c) Receipt of the equal pay compliance statement by the commissioner does not
7.34 establish good-faith efforts or compliance with the laws set forth in paragraph (a), clause
7.35 (1).

10.1 (b) As a condition of receiving an equal pay certificate of compliance, and as a
10.2 condition of the contract that is subject to this section, a business must agree that as part
10.3 of an audit, the business will provide the commissioner the following information with
10.4 respect to employees expected to perform work under the contract in each of the major
10.5 job categories in the EEO-1 employee information report:

10.6 (1) number of male employees;

10.7 (2) number of female employees;

10.8 (3) average annualized salaries paid to male employees and to female employees,
10.9 in the manner most consistent with the employer's compensation system, within each
10.10 major job category;

10.11 (4) information on performance payments, benefits, or other elements of
10.12 compensation, in the manner most consistent with the employer's compensation system, if
10.13 requested by the commissioner as part of a determination as to whether these elements of
10.14 compensation are different for male and female employees;

10.15 (5) average length of service for male and female employees in each major job
10.16 category; and

10.17 (6) other information identified by the business or by the commissioner, as needed,
10.18 to determine compliance with items specified in subdivision 1, clauses (1) to (5).

10.19 Subd. 4. **Compliance plan; revocation of certificate.** If the commissioner
10.20 determines that a business that has an equal pay certificate of compliance is not in
10.21 compliance with subdivision 1, clauses (1) to (5), the commissioner may require the
10.22 business to implement a plan to remedy the noncompliance with subdivision 1, clauses (1)
10.23 to (5), as a condition of retaining its certificate of compliance. The commissioner may
10.24 suspend or revoke a certificate if the commissioner determines that the business is not in
10.25 compliance with items specified in subdivision 1, clauses (1) to (5), and is failing to
10.26 implement its plan to remedy noncompliance.

10.27 Subd. 5. **Voiding of contract.** Prior to taking action to void a contract, the
10.28 commissioner must first demonstrate that no undue hardship would occur to the state and
10.29 that obtaining wages and benefits due to employees of the business is an insufficient
10.30 remedy. Multiple violations of the laws set forth in subdivision 1, clause (1), or a
10.31 determination of deliberate intent to violate these laws by the certificate holder may be
10.32 sufficient justification for the commissioner to void a contract.

8.1 Subd. 3. **Issuance or rejection of certificate.** The commissioner must issue an
8.2 equal pay certificate, or a statement of why the application was rejected, within 15 days of
8.3 receipt of the application. An application may be rejected only if it does not comply with
8.4 the requirements of subdivision 2.

8.5 Subd. 4. **Revocation of certificate.** An equal pay certificate for a business may be
8.6 suspended or revoked by the commissioner when the business fails to make a good-faith
8.7 effort to comply with the laws identified in subdivision 2, paragraph (a), clause (1), fails
8.8 to make a good-faith effort to comply with this section, or has multiple violations of
8.9 this section or the laws identified in subdivision 2, paragraph (a), clause (1). Prior to
8.10 suspending or revoking a certificate, the commissioner must first have sought to conciliate
8.11 with the business regarding wages and benefits due to employees.

8.12 Subd. 5. **Revocation of contract.** (a) If a contract is awarded to a business that does
8.13 not have an equal pay certificate as required under subdivision 1, the commissioner may
8.14 void the contract on behalf of the state. The contract award entity that is a party to the
8.15 agreement must be notified by the commissioner prior to the commissioner taking action
8.16 to void the contract.

10.33 Subd. 6. **Administrative review.** A business may obtain a hearing when the
10.34 commissioner issues an order directing a contract voided or an equal pay certificate of
10.35 compliance revoked by filing a written request for a hearing with the department within
11.1 20 days after service of the notice of sanction. The hearing shall be a contested case
11.2 proceeding pursuant to sections 14.57 to 14.69.

11.3 Subd. 7. **Technical assistance.** The commissioner must provide technical assistance
11.4 to any business that requests assistance.

11.5 Subd. 8. **Access to data.** Data submitted to the commissioner by a business for
11.6 purposes of obtaining a certificate of compliance under this section, or in response to an
11.7 audit under this section, are private data on individuals or nonpublic data with respect to
11.8 persons other than Department of Human Rights employees. The commissioner's decision
11.9 to grant, not grant, revoke, or suspend a certificate of compliance is public data.

11.10 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to a
11.11 contract for which a state department or agency issues a solicitation on or after that date.

11.12 Sec. 7. **HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS**
11.13 **PROGRAM APPROPRIATION.**

8.17 (b) A contract may be abridged or terminated by the contract award entity identified
8.18 in subdivision 1 upon notice that the commissioner has suspended or revoked the
8.19 certificate of the business.

8.20 Subd. 6. **Administrative review.** (a) A business may obtain an administrative
8.21 hearing pursuant to sections 14.57 to 14.69 when the commissioner suspends or revokes
8.22 its certificate by filing a written request for hearing 20 days after service of notice by
8.23 the commissioner.

8.24 (b) A business may obtain an administrative hearing pursuant to sections 14.57 to
8.25 14.69 when the contract award entity identified in subdivision 1 abridges or terminates
8.26 a contract by filing a written request for a hearing 20 days after service of notice by the
8.27 contract award entity.

8.28 Subd. 7. **Technical assistance.** The commissioner must provide technical assistance
8.29 to any business that requests assistance regarding this section.

8.30 Subd. 8. **Audit.** The commissioner shall have authority to audit compliance
8.31 with this section to determine exempt status or with respect to employees expected to
8.32 perform work under the contract by requesting information from the business necessary to
8.33 determine compliance with this section and laws identified under subdivision 2, paragraph
8.34 (a), clause (1).

8.35 Subd. 9. **Access to data.** Data submitted to the commissioner related to equal pay
8.36 certificates are private data on individuals or nonpublic data with respect to persons other
9.1 than department employees. The commissioner's decision to issue, not issue, revoke, or
9.2 suspend an equal pay certificate is public data.

9.3 Subd. 10. **Report.** The commissioner shall report to the governor and the chairs and
9.4 ranking minority members of the committees in the senate and the house of representatives
9.5 with primary jurisdiction over the department by January 31 of every even-numbered year,
9.6 beginning January 31, 2016. The report shall indicate the number of equal pay certificates
9.7 issued, the number of audits conducted, the processes used by contractors to ensure
9.8 compliance with the laws cited in subdivision 2, paragraph (a), clause (1), and a summary
9.9 of its auditing efforts. The commissioner shall consult with the Legislative Coordinating
9.10 Commission Office on the Economic Status of Women in preparing the report.

9.11 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to any
9.12 solicitation made on or after that date.

11.4 Sec. 7. **APPROPRIATIONS.**

11.14 \$500,000 is appropriated from the general fund in fiscal year 2015 to the
11.15 commissioner of employment and economic development to develop and implement the
11.16 women and high-wage, high-demand, nontraditional jobs grant program under Minnesota
11.17 Statutes, section 116L.99. Funds available under this section must not supplant other
11.18 funds available for the same purposes. This is a onetime appropriation.

11.19 Sec. 8. **WOMEN ENTREPRENEURS BUSINESS DEVELOPMENT;**
11.20 **APPROPRIATION.**

11.21 (a) \$500,000 in fiscal year 2015 is appropriated from the general fund to the
11.22 commissioner of employment and economic development for grants to Women
11.23 Venture and the Women's Business Center of Northeastern Minnesota at the Northeast
11.24 Entrepreneurial Fund to facilitate and promote the creation and expansion of
11.25 women-owned businesses in Minnesota. Funds available under this section must be
11.26 divided equally among grant recipients. This is a onetime appropriation. Grant funds may
11.27 be used only for the purposes under paragraph (b) except that up to ten percent of each
11.28 grant award may be used by grant recipients for administrative costs.

11.29 (b) Grants awarded under this section must be used for:

11.30 (1) entrepreneurial training, mentoring, and technical assistance for the startup or
11.31 expansion of eligible women-owned businesses;

11.32 (2) development of networks of potential investors for eligible women-owned
11.33 businesses; and

11.18 (b) \$500,000 in fiscal year 2015 is appropriated from the workforce development
11.19 fund to the commissioner of employment and economic development for the women
11.20 and nontraditional jobs grant program under Minnesota Statutes, section 166L.99. The
11.21 commissioner may use up to five percent of the appropriation to administer the grant
11.22 program. This is a onetime appropriation and is available until expended.

6.1 Sec. 4. **[116L.991] WOMEN ENTREPRENEURS BUSINESS DEVELOPMENT**
6.2 **GRANT PROGRAM.**

FROM ARTICLE 2, SEC. 7

11.13 Subd. 3. **Department of Employment and Economic Development.** (a)
11.14 \$500,000 in fiscal year 2015 is appropriated from the general fund to the commissioner
11.15 of employment and economic development for the women entrepreneurs business
11.16 development grant program under Minnesota Statutes, section 166L.991. This is a onetime
11.17 appropriation and is available until expended.

6.3 Subdivision 1. **Definitions.** For the purposes of this section, the following terms
6.4 have the meanings given.

6.14 (b) "High economic impact firm" means a business that is projected to generate at
6.15 least \$500,000 in annual revenue and create at least ten high-quality jobs.

6.16 (c) "Qualified business" means a women-owned business in the field of construction;
6.17 transportation; warehousing; agriculture; mining; finance; insurance; professional,
6.18 technical, or scientific services; technology; or other high economic impact business.

6.19 (d) "High-quality job" means a job that pays an annual income equal to at least 150
6.20 percent of the federal poverty guideline adjusted for a family size of four.

6.21 Subd. 2. **Program created.** The commissioner of employment and economic
6.22 development shall operate a women entrepreneurs business development competitive
6.23 grant program to facilitate the creation and expansion of high-growth, high-revenue,
6.24 women-owned businesses that are a qualified business.

6.25 Subd. 3. **Use of funds.** Funds available for the purpose of this section may be
6.26 used for:

6.27 (1) entrepreneurial training, mentoring, and technical assistance for the startup or
6.28 expansion of businesses owned by women;

6.29 (2) development of networks of potential investors; and

12.1 (3) development of recruitment programs for mid-career women with an interest in
12.2 starting eligible women-owned businesses.

12.3 (c) For the purposes of this section "eligible women-owned business" means a
12.4 business entity;

12.5 (1) that is at least 51 percent female owned or, in the case of a publicly traded
12.6 business, at least 51 percent of the stock is female owned;

12.7 (2) whose management and daily operations are controlled by women;

12.8 (3) that is organized for profit;

12.9 (4) that is projected to generate at least \$500,000 in annual revenue and create at
12.10 least ten jobs, each of which pay an annual income equal to at least 200 percent of the
12.11 federal poverty guideline adjusted for a family size of four; and

12.12 (5) in the field of construction; transportation; warehousing; agriculture; mining;
12.13 finance; insurance; professional, technical, or scientific services; technology; or other
12.14 industries with businesses meeting the revenue and job creation requirements of clause (4).

12.15 (d) A grant award under this section does not affect any other grant award or
12.16 appropriation made to a grant recipient.

12.17 (e) The Women's Business Center of Northeastern Minnesota shall partner with
12.18 the Arrowhead Economic Opportunity Agency to provide entrepreneurial development
12.19 training and resources to women with incomes less than 200 percent of the federal poverty
12.20 guideline, adjusted for a family size of four, to assist with the start-up or expansion of
12.21 eligible women-owned businesses.

12.22 **Sec. 9. WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL**
12.23 **JOBS APPRENTICESHIPS; APPROPRIATION.**

12.24 \$250,000 is appropriated from the general fund in fiscal year 2015 to the
12.25 commissioner of labor and industry for the labor education advancement program under
12.26 Minnesota Statutes, section 178.11, to educate, promote, assist, and support women to
12.27 enter apprenticeship programs in high-wage, high-demand, nontraditional occupations.
12.28 Funds available under this section must not supplant other funds available for the same
12.29 purposes. This is a onetime appropriation.

6.30 (3) development of a recruitment program for midcareer women with an interest
6.31 in starting a qualified business.

6.5 (a) "Women-owned business" means a business entity owned or controlled by
6.6 women that is organized for profit including, but not limited to, an individual, partnership,
6.7 corporation, joint venture, association, or cooperative. "Owned or controlled by women"
6.8 means:

6.9 (1) that the business is at least 51 percent owned by one or more women or, in the
6.10 case of any publicly traded business, at least 51 percent of the stock of which is owned by
6.11 one or more women; and

6.12 (2) the business has management and daily business operations that are controlled
6.13 by one or more women.

11.23 Subd. 4. **Department of Labor and Industry.** (a) \$250,000 in fiscal year 2015
11.24 is appropriated from the workforce development fund to the commissioner of labor and
11.25 industry for the labor education advancement program under Minnesota Statutes, section
11.26 178.11, to educate, promote, assist, and support women to enter apprenticeship programs in
11.27 nontraditional occupations. This is a onetime appropriation and is available until expended.

11.28 (b) \$24,000 in fiscal year 2015 is appropriated from the general fund to the
11.29 commissioner of labor and industry for additional compliance and enforcement activities
11.30 by the labor standards unit related to this act.

12.30 Sec. 10. **REPORT; RETIREMENT SAVINGS PLAN.**

12.31 (a) The commissioner of management and budget must report to the legislature
 12.32 by January 15, 2015, on the potential for a state-administered retirement savings plan
 12.33 to serve employees without access to either an automatic enrollment payroll deduction
 12.34 IRA maintained or offered by their employer, or a multiemployer retirement plan or
 13.1 qualifying retirement plan or arrangement described in sections 414(f) and 219(g)(5),
 13.2 respectively, of the Internal Revenue Code of 1986, as amended through April 14, 2011.
 13.3 The potential state-administered plan would provide for individuals to make contributions
 13.4 to their own accounts to be pooled and invested by the State Board of Investment, with the
 13.5 benefit consisting of the balance in each individual's account, and with the state having no
 13.6 liability for investment earnings and losses, while discouraging employers from dropping
 13.7 existing retirement plan options.

13.8 (b) The report must include:

13.9 (1) estimates of the number of Minnesota workers who could be served by the
 13.10 potential state-administered plan, and the participation rate that would make the plan
 13.11 self-sustaining;

13.12 (2) the effect of federal tax laws and the federal Employee Retirement Income
 13.13 Security Act on a potential state-administered plan and on participating employers and
 13.14 employees, including coverage and potential gaps in consumer protections;

13.15 (3) the potential use and availability of investment strategies, private insurance,
 13.16 underwriting, or reinsurance against loss to limit or eliminate potential state liability
 13.17 and manage risk to the principal;

13.18 (4) options for the process by which individuals would enroll in and contribute to
 13.19 the plan;

13.20 (5) projected costs of administration, record keeping, and investment management,
 13.21 including staffing, legal, compliance, licensing, procurement, communications with
 13.22 employers and employees, oversight, marketing, technology and infrastructure, and the fee
 13.23 needed to cover these costs as a percentage of the average daily net assets of the potential
 13.24 state-administered plan, relative to asset size, with estimates of investment-related fees
 13.25 determined in consultation with the State Board of Investment; and

13.26 (6) a comparison of a potential state-administered plan to private sector and federal
 13.27 government retirement savings options with regard to participation rates, contribution
 13.28 rates, risk-adjusted return expectations, fees, and any other factors determined by
 13.29 the commissioner, which may include suitability in meeting the investment needs of
 13.30 participants.

13.31 (c) Subject to available appropriation, the report may include:

9.13 Sec. 6. **REPORT; RETIREMENT SAVINGS PLAN.**

9.14 (a) The commissioner of management and budget must report to the legislature
 9.15 by January 15, 2015, on the potential for a state-administered retirement savings plan
 9.16 to serve employees without access to either an automatic enrollment payroll deduction
 9.17 IRA maintained or offered by their employer, or a multiemployer retirement plan or
 9.18 qualifying retirement plan or arrangement described in sections 414(f) and 219(g)(5),
 9.19 respectively, of the Internal Revenue Code of 1986, as amended through April 14, 2011.
 9.20 The potential state-administered plan would provide for individuals to make contributions
 9.21 to their own accounts to be pooled and invested by the State Board of Investment, with the
 9.22 benefit consisting of the balance in each individual's account, and with the state having no
 9.23 liability for investment earnings and losses, while discouraging employers from dropping
 9.24 existing retirement plan options.

9.25 (b) The report must include:

13.32 (1) estimates of the average amount of savings and other financial resources residents
13.33 of Minnesota have upon retirement and those that are recommended for a financially
13.34 secure retirement in Minnesota;

13.35 (2) estimates of the relative progress toward achieving the savings recommended for
13.36 a financially secure retirement by gender, race, and ethnicity;

14.1 (3) barriers to savings and reasons individuals and employers may not be
14.2 participating in existing private sector retirement plans;

14.3 (4) the estimated impact on publicly funded social safety net programs attributable
14.4 to insufficient retirement savings, and the aggregate effect of potential state-administered
14.5 plan options on publicly funded social safety net programs and the state economy;

14.6 (5) the effect of federal tax laws and the federal Employee Retirement Income
14.7 Security Act on a potential state-administered plan that allows for voluntary employer
14.8 contributions, either commingled with or segregated from employee contributions;

14.9 (6) options for a potential state-administered plan to use group annuities to ensure a
14.10 stable stream of retirement income throughout beneficiaries' retirement years;

14.11 (7) alternative ways and costs for the state to encourage similar outcomes to a
14.12 state-administered plan; and

9.26 (1) estimates of the average amount of savings and other financial resources residents
9.27 of Minnesota have upon retirement and those that are recommended for a financially
9.28 secure retirement in Minnesota;

9.29 (2) estimates of the relative progress toward achieving the savings recommended for
9.30 a financially secure retirement by gender, race, and ethnicity;

9.31 (3) barriers to savings and reasons individuals and employers may not be
9.32 participating in existing private sector retirement plans;

9.33 (4) estimated impact on publicly funded social safety net programs attributable to
9.34 insufficient retirement savings, and the aggregate effect of potential state-administered
9.35 plan options on publicly funded social safety net programs and the state economy;

10.1 (5) estimates of the number of Minnesota workers who could be served by the
10.2 potential state-administered plan, and the participation rate that would make the plan
10.3 self-sustaining;

10.4 (6) effect of federal tax laws and the federal Employee Retirement Income Security
10.5 Act on a potential state-administered plan and on participating employers and employees,
10.6 including the effect of these laws if the plan included potential for employer contributions,
10.7 either commingled with or segregated from employee contributions;

10.8 (7) comparison of a potential state-administered plan to private sector and federal
10.9 government retirement savings options with regard to participation rates, contribution
10.10 rates, risk-adjusted return expectations, and fees;

10.11 (8) existing state and federal consumer protections that would apply to a potential
10.12 state-administered plan and options for strengthening consumer protections for plan
10.13 participants;

10.16 (10) options for state administration of the plan, including investment strategies for
10.17 funds contributed to the plan in consultation with the State Board of Investment, the
10.18 potential use and availability of investment strategies, private insurance, underwriting,
10.19 or reinsurance against loss to limit or eliminate potential state liability and manage risk
10.20 to the principal, and group annuities to ensure a stable stream of retirement income
10.21 throughout beneficiaries' retirement years;

10.14 (9) alternative ways and costs for the state to encourage similar outcomes to a
10.15 state-administered plan;

10.22 (11) options for meeting the investment needs of participants based on income,
10.23 desired liquidity, age, risk tolerance, and other factors determined by the commissioner;

10.24 (12) options for the process by which individuals or employers would contribute to
10.25 the plan, and their effect on participation rates, savings rates, and fees;

14.13 (8) other topics that the commissioner determines are relevant to legislative
14.14 consideration of possible establishment of a state-administered plan.

14.15 (d) The commissioner may meet any of the topics in paragraph (c) by reporting the
14.16 results of a request for public comment.

14.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.18 Sec. 11. **RETIREMENT SAVINGS PLAN REPORT; APPROPRIATION.**

14.19 \$300,000 in fiscal year 2014 is appropriated from the general fund to the
14.20 commissioner of management and budget for the retirement savings plan report under
14.21 section 10. This is a onetime appropriation and is available until expended.

14.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.23 Sec. 12. **REPORT; PAY EQUITY.**

14.24 The commissioner of human rights shall report to the governor and the chairs and
14.25 ranking minority members of the committees in the senate and the house of representatives
14.26 with primary jurisdiction over the department by January 31, 2016. The report shall
14.27 indicate the number of equal pay certificates issued under Minnesota Statutes, section
14.28 363A.44, the number of audits conducted, and a summary of results of its auditing efforts.
14.29 The commissioner shall consult with the Office on the Economic Status of Women
14.30 in preparing the report.

14.31 Sec. 13. **APPROPRIATION; PAY EQUITY.**

10.26 (13) options discouraging employers from dropping existing employer-sponsored
10.27 retirement savings plans in favor of a potential state-administered plan;

10.28 (14) projected costs of administration, record keeping, and investment management,
10.29 including staffing, legal, compliance, licensing, procurement, communications with
10.30 employers and employees, oversight, marketing, technology and infrastructure, and the fee
10.31 needed to cover these costs as a percentage of the average daily net assets of the potential
10.32 state-administered plan, relative to asset size and plan structure, and projected by year of
10.33 plan operation, with estimates of investment-related fees determined in consultation with
10.34 the State Board of Investment;

10.35 (15) how the projected fees compare with those of comparable retirement savings
10.36 options in the private sector with similar risk-adjusted return expectations; and

11.1 (16) other topics that the commissioner determines are relevant to legislative
11.2 consideration of possible establishment of a state-administered plan.

11.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.9 Subd. 2. **Minnesota Management and Budget.** \$750,000 in fiscal year 2014 is
11.10 appropriated from the general fund to the commissioner of Minnesota management and
11.11 budget for the retirement savings plan report in section 6. This is a onetime appropriation
11.12 and is available until expended.

15.1 \$674,000 in fiscal year 2015 is appropriated from the general fund to the
15.2 commissioner of human rights for implementation of Minnesota Statutes, section
15.3 363A.44. The agency base budget for this purpose is \$426,000 each year in fiscal years
15.4 2016 and 2017.

15.5 **ARTICLE 3**
15.6 **LABOR STANDARDS AND WAGES**

15.7 Section 1. Minnesota Statutes 2012, section 181.940, subdivision 2, is amended to read:
15.8 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for
15.9 an employer from whom a leave is requested under sections 181.940 to 181.944 for:
15.10 (1) at least 12 consecutive months immediately preceding the request; and
15.11 (2) for an average number of hours per week equal to one-half the full-time
15.12 equivalent position in the employee's job classification as defined by the employer's
15.13 personnel policies or practices or pursuant to the provisions of a collective bargaining
15.14 agreement, during ~~those 12 months~~ the 12-month period immediately preceding the leave.
15.15 Employee includes all individuals employed at any site owned or operated by the
15.16 employer but does not include an independent contractor.
15.17 Sec. 2. Minnesota Statutes 2012, section 181.941, is amended to read:
15.18 **181.941 PREGNANCY AND PARENTING LEAVE.**
15.19 Subdivision 1. ~~Six Twelve-week leave; pregnancy, birth, or adoption.~~ (a) An
15.20 employer must grant an unpaid leave of absence to an employee who is ~~a natural or~~
15.21 ~~adoptive parent in conjunction with the birth or adoption of a child. The length of the~~
15.22 ~~leave shall be determined by the employee, but may not exceed six weeks, unless agreed~~
15.23 ~~to by the employer.~~
15.24 (1) a natural or adoptive parent in conjunction with the birth or adoption of a child; or

15.25 (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth,
15.26 or related health conditions.
15.27 (b) The length of the leave shall be determined by the employee, but must not exceed
15.28 12 weeks, unless agreed to by the employer.

11.5 Subdivision 1. **Department of Human Rights.** \$674,000 in fiscal year 2015 is
11.6 appropriated from the general fund to the commissioner of human rights for the equal pay
11.7 certificate program under Minnesota Statutes, section 363A.44. The base budget for this
11.8 appropriation for fiscal year 2016 and later is \$426,000.

12.1 **ARTICLE 3**
12.2 **EMPLOYMENT PROTECTIONS**

13.17 Sec. 3. Minnesota Statutes 2012, section 181.940, subdivision 2, is amended to read:
13.18 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for
13.19 an employer from whom a leave is requested under sections 181.940 to 181.944 for:
13.20 (1) at least 12 consecutive months immediately preceding the request; and
13.21 (2) for an average number of hours per week equal to one-half the full-time
13.22 equivalent position in the employee's job classification as defined by the employer's
13.23 personnel policies or practices or pursuant to the provisions of a collective bargaining
13.24 agreement, during ~~those~~ the 12 months month period immediately preceding the leave.
13.25 Employee includes all individuals employed at any site owned or operated by the
13.26 employer but does not include an independent contractor.
13.27 Sec. 4. Minnesota Statutes 2012, section 181.941, is amended to read:
13.28 **181.941 PREGNANCY AND PARENTING LEAVE.**
13.29 Subdivision 1. ~~Six Twelve-week leave; pregnancy, birth, or adoption.~~ (a) An
13.30 employer must grant an unpaid leave of absence to an employee who is ~~a natural or~~
13.31 ~~adoptive parent in conjunction with the birth or adoption of a child. The length of the~~
13.32 ~~leave shall be determined by the employee, but may not exceed six weeks, unless agreed~~
13.33 ~~to by the employer.~~
14.1 (1) a biological or adoptive parent in conjunction with the birth or adoption of a
14.2 child; or
14.3 (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth,
14.4 or related health conditions.
14.5 (b) The length of the leave shall be determined by the employee, but must not exceed
14.6 12 weeks, unless agreed to by the employer.

15.29 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.
 15.30 The employer may adopt reasonable policies governing the timing of requests for unpaid
 15.31 leave: and may require an employee who plans to take a leave under this section to give
 15.32 the employer reasonable notice of the date the leave shall commence and the estimated
 15.33 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the
 16.1 leave may must begin not more than six weeks after within 12 months of the birth or
 16.2 adoption; except that, in the case where the child must remain in the hospital longer than
 16.3 the mother, the leave may not must begin more than six weeks within 12 months after the
 16.4 child leaves the hospital.

16.5 Subd. 3. **No employer retribution.** An employer shall not retaliate against an
 16.6 employee for requesting or obtaining a leave of absence as provided by this section.

16.7 Subd. 4. **Continued insurance.** The employer must continue to make coverage
 16.8 available to the employee while on leave of absence under any group insurance policy,
 16.9 group subscriber contract, or health care plan for the employee and any dependents.
 16.10 Nothing in this section requires the employer to pay the costs of the insurance or health
 16.11 care while the employee is on leave of absence.

16.12 Sec. 3. Minnesota Statutes 2013 Supplement, section 181.9413, is amended to read:
 16.13 **181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.**

16.14 (a) An employee may use personal sick leave benefits provided by the employer
 16.15 for absences due to an illness of or injury to the employee's child, as defined in section
 16.16 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law,
 16.17 grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's
 16.18 attendance may be necessary, on the same terms upon which the employee is able to use
 16.19 sick leave benefits for the employee's own illness or injury. This section applies only to
 16.20 personal sick leave benefits payable to the employee from the employer's general assets.

16.21 (b) An employee may use sick leave as allowed under this section for safety leave,
 16.22 whether or not the employee's employer allows use of sick leave for that purpose for such
 16.23 reasonable periods of time as may be necessary. Safety leave may be used for assistance
 16.24 to the employee or assistance to the relatives described in paragraph (a). For the purpose
 16.25 of this section, "safety leave" is leave for the purpose of providing or receiving assistance
 16.26 because of sexual assault, domestic abuse, or stalking. For the purpose of this paragraph:

16.27 (1) "domestic abuse" has the meaning given in section 518B.01;

16.28 (2) "sexual assault" means an act that constitutes a violation under sections 609.342
 16.29 to 609.3453 or 609.352; and

16.30 (3) "stalking" has the meaning given in section 609.749.

14.7 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.
 14.8 The employer may adopt reasonable policies governing the timing of requests for unpaid
 14.9 leave: and may require an employee who plans to take a leave under this section to give
 14.10 the employer reasonable notice of the date the leave shall commence and the estimated
 14.11 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the
 14.12 leave may must begin not more than six weeks after within 12 months of the birth or
 14.13 adoption; except that, in the case where the child must remain in the hospital longer than
 14.14 the mother, the leave may not must begin more than six weeks within 12 months after the
 14.15 child leaves the hospital.

14.16 Subd. 3. **No employer retribution.** An employer shall not retaliate against an
 14.17 employee for requesting or obtaining a leave of absence as provided by this section.

14.18 Subd. 4. **Continued insurance.** The employer must continue to make coverage
 14.19 available to the employee while on leave of absence under any group insurance policy,
 14.20 group subscriber contract, or health care plan for the employee and any dependents.
 14.21 Nothing in this section requires the employer to pay the costs of the insurance or health
 14.22 care while the employee is on leave of absence.

14.23 Sec. 5. Minnesota Statutes 2013 Supplement, section 181.9413, is amended to read:
 14.24 **181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.**

14.25 (a) An employee may use personal sick leave benefits provided by the employer
 14.26 for absences due to an illness of or injury to the employee's child, as defined in section
 14.27 181.940, subdivision 4, adult child, spouse, sibling, parent, grandchild, grandparent, or
 14.28 stepparent, for reasonable periods of time as the employee's attendance may be necessary,
 14.29 on the same terms upon which the employee is able to use sick leave benefits for the
 14.30 employee's own illness or injury. This section applies only to personal sick leave benefits
 14.31 payable to the employee from the employer's general assets.

14.32 (b) An employee may use sick leave as allowed under this section for safety leave,
 14.33 whether or not the employee's employer allows use of sick leave for that purpose for such
 14.34 reasonable periods of time as assistance may be necessary. Safety leave may be
 14.35 used for assistance to the employee or assistance to the relatives described in paragraph
 15.1 (a). For the purpose of this section, "safety leave" is leave for the purpose of providing
 15.2 or receiving assistance because of sexual assault, domestic abuse, or stalking. For the
 15.3 purpose of this paragraph:

15.4 (1) "domestic abuse" has the meaning given in section 518B.01;

15.5 (2) "sexual assault" means an act that constitutes a violation under sections 609.342
 15.6 to 609.3453 or 609.352; and

15.7 (3) "stalking" has the meaning given in section 609.749.

16.31 (c) An employer may limit the use of safety leave as described in paragraph (b) or
 16.32 personal sick leave benefits provided by the employer for absences due to an illness of or
 16.33 injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law,
 16.34 grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period.
 17.1 This paragraph does not apply to absences due to the illness or injury of a child, as defined
 17.2 in section 181.940, subdivision 4.

17.3 (e) (d) For purposes of this section, "personal sick leave benefits" means time
 17.4 accrued and available to an employee to be used as a result of absence from work due
 17.5 to personal illness or injury, but does not include short-term or long-term disability or
 17.6 other salary continuation benefits.

17.7 (d) (e) For the purpose of this section, "child" includes a stepchild and a biological,
 17.8 adopted, and foster child.

17.9 (f) For the purpose of this section, "grandchild" includes a step-grandchild, and a
 17.10 biological, adopted, and foster grandchild.

17.11 (e) (g) This section does not prevent an employer from providing greater sick leave
 17.12 benefits than are provided for under this section.

17.13 (h) An employer shall not retaliate against an employee for requesting or obtaining a
 17.14 leave of absence under this section.

17.15 Sec. 4. **[181.9414] PREGNANCY ACCOMMODATIONS.**

17.16 Subdivision 1. **Accommodation.** An employer must provide reasonable
 17.17 accommodation for an employee for conditions related to pregnancy, childbirth, or related
 17.18 health conditions, if she so requests. The employer may provide the accommodation
 17.19 requested by the employee or an equally effective alternative. "Reasonable
 17.20 accommodation" includes, but is not limited to: seating, frequent restroom breaks, and
 17.21 limits to heavy lifting. The employee and employer shall engage in an interactive process
 17.22 with respect to an employee's request for a reasonable accommodation. Notwithstanding
 17.23 any other provision of this section, an employer shall not be required to create a new or
 17.24 additional position in order to accommodate an employee pursuant to this subdivision,
 17.25 and shall not be required to discharge any employee, transfer any other employee with
 17.26 greater seniority, or promote any employee.

15.8 (c) An employer may limit the use of safety leave as described in paragraph (b) or
 15.9 personal sick leave benefits provided by the employer for absences due to an illness of
 15.10 or injury to the employee's adult child, spouse, sibling, parent, grandchild, grandparent,
 15.11 or stepparent to no less than 160 hours in any 12-month period. This paragraph does not
 15.12 apply to absences due to the illness or injury of a child, as defined in section 181.940,
 15.13 subdivision 4.

15.14 (e) (d) For purposes of this section, "personal sick leave benefits" means time
 15.15 accrued and available to an employee to be used as a result of absence from work due
 15.16 to personal illness or injury, but does not include short-term or long-term disability or
 15.17 other salary continuation benefits.

15.18 (d) (e) For the purpose of this section, "child" includes a stepchild and a biological,
 15.19 adopted, and foster child.

15.20 (f) For the purpose of this section, "grandchild" includes a step-grandchild, and a
 15.21 biological, adopted, and foster grandchild.

15.22 (e) (g) This section does not prevent an employer from providing greater sick leave
 15.23 benefits than are provided for under this section.

15.24 (h) An employer shall not retaliate against an employee for requesting or obtaining a
 15.25 leave of absence under this section.

15.26 Sec. 6. **[181.9414] PREGNANCY ACCOMMODATIONS.**

15.27 Subdivision 1. **Accommodation.** An employer must provide reasonable
 15.28 accommodations to an employee for the employee's medical or physical conditions related
 15.29 to pregnancy or childbirth, if the employee provides a written documentation of a medical
 15.30 necessity by a licensed health care provider or certified doula for an accommodation
 15.31 unless the employer demonstrates that the accommodation would impose an undue
 15.32 hardship on the operation of the employer's business. A pregnant employee shall not
 15.33 be required to provide documentation of medical necessity nor may an employer claim
 15.34 undue hardship for the following accommodations: (1) more frequent restroom, food, and
 15.35 water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and
 16.1 employer shall engage in an interactive process with respect to an employee's request for
 16.2 a reasonable accommodation. "Reasonable accommodation" may include, but is not
 16.3 limited to, temporary transfer to a less strenuous or hazardous position, seating, frequent
 16.4 restroom breaks, and limits to heavy lifting. Notwithstanding any other provision of
 16.5 this section, an employer shall not be required to create a new or additional position in
 16.6 order to accommodate an employee pursuant to this section, and shall not be required to
 16.7 discharge any employee, transfer any other employee with greater seniority, or promote
 16.8 any employee.

17.27 Subd. 2. **Transfer.** An employer must temporarily transfer a pregnant female
 17.28 employee to a less strenuous or hazardous position for the duration of her pregnancy
 17.29 if she so requests provided the transfer does not impose an undue hardship on the
 17.30 employer. An employee requesting a temporary transfer shall be required to provide to the
 17.31 employer written documentation of medical necessity by a licensed health care provider.
 17.32 The employee and employer shall engage in an interactive process with respect to an
 17.33 employee's request for a temporary transfer. Notwithstanding any other provision of this
 17.34 section, an employer shall not be required to create a new or additional position in order
 17.35 to accommodate an employee pursuant to this subdivision and shall not be required to
 18.1 discharge any employee, transfer any other employee with greater seniority, or promote
 18.2 any employee.

18.3 Subd. 3. **Interaction with other laws.** Nothing in this section shall be construed to
 18.4 affect any other provision of law relating to sex discrimination or pregnancy, or in any
 18.5 way to diminish the coverage of pregnancy, childbirth, or health conditions related to
 18.6 pregnancy or childbirth under any other provisions of any other law.

18.7 Subd. 4. **No employer retribution.** An employer shall not retaliate against an
 18.8 employee for requesting or obtaining accommodation under this section.

18.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.10 Sec. 5. Minnesota Statutes 2012, section 181.943, is amended to read:

18.11 **181.943 RELATIONSHIP TO OTHER LEAVE.**

18.12 (a) The length of ~~parental~~ leave provided under section 181.941 may be reduced
 18.13 by any period of ~~paid parental or disability leave, but not accrued sick leave, provided~~
 18.14 ~~by the employer, so that the total leave does not exceed six weeks, unless agreed to by~~
 18.15 ~~the employer.~~

18.16 (1) paid parental, disability, personal, medical, or sick leave, or accrued vacation
 18.17 provided by the employer so that the total leave does not exceed 12 weeks, unless agreed
 18.18 to by the employer; or

18.19 (2) leave taken for the same purpose by the employee under United States Code,
 18.20 title 29, chapter 28.

18.21 (b) Nothing in sections 181.940 to 181.943 prevents any employer from providing
 18.22 leave benefits in addition to those provided in sections 181.940 to 181.944 or otherwise
 18.23 affects an employee's rights with respect to any other employment benefit.

18.24 **ARTICLE 4**

18.25 **EMPLOYMENT PROTECTIONS**

16.9 Subd. 2. **Interaction with other laws.** Nothing in this section shall be construed to
 16.10 affect any other provision of law relating to sex discrimination or pregnancy, or in any
 16.11 way to diminish the coverage of pregnancy, childbirth, or health conditions related to
 16.12 pregnancy or childbirth under any other provisions of any other law.

16.13 Subd. 3. **No employer retribution.** An employer shall not retaliate against an
 16.14 employee for requesting or obtaining accommodation under this section.

16.15 Subd. 4. **Employee not required to take leave.** An employer shall not require an
 16.16 employee to take a leave or accept an accommodation.

16.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.18 Sec. 7. Minnesota Statutes 2012, section 181.943, is amended to read:

16.19 **181.943 RELATIONSHIP TO OTHER LEAVE.**

16.20 (a) The length of ~~parental~~ leave provided under section 181.941 may be reduced
 16.21 by any period of ~~paid parental or disability leave, but not accrued sick leave, provided~~
 16.22 ~~by the employer, so that the total leave does not exceed six weeks, unless agreed to by~~
 16.23 ~~the employer.~~

16.24 (1) paid parental, disability, personal, medical, or sick leave, or accrued vacation
 16.25 provided by the employer so that the total leave does not exceed 12 weeks, unless agreed
 16.26 to by the employer; or

16.27 (2) leave taken for the same purpose by the employee under United States Code,
 16.28 title 29, chapter 28.

16.29 (b) Nothing in sections 181.940 to 181.943 prevents any employer from providing
 16.30 leave benefits in addition to those provided in sections 181.940 to 181.944 or otherwise
 16.31 affects an employee's rights with respect to any other employment benefit.

18.26 Section 1. Minnesota Statutes 2012, section 181.939, is amended to read:
18.27 **181.939 NURSING MOTHERS.**

18.28 (a) An employer must provide reasonable unpaid break time each day to an
18.29 employee who needs to express breast milk for her infant child. The break time must,
18.30 if possible, run concurrently with any break time already provided to the employee. An
18.31 employer is not required to provide break time under this section if to do so would unduly
18.32 disrupt the operations of the employer.

19.1 (b) The employer must make reasonable efforts to provide a room or other location,
19.2 in close proximity to the work area, other than a toilet stall, that is shielded from view and
19.3 free from intrusion and that includes access to an electrical outlet, where the employee
19.4 can express her milk in privacy. The employer would be held harmless if reasonable
19.5 effort has been made.

19.6 (c) For the purposes of this section, "employer" means a person or entity that
19.7 employs one or more employees and includes the state and its political subdivisions.

19.8 (d) A violation of this section is an unfair employment practice as provided for under
19.9 section 363A.08, subdivision 8.

19.10 Sec. 2. Minnesota Statutes 2012, section 363A.03, is amended by adding a subdivision
19.11 to read:

19.12 Subd. 18a. **Family caregiver.** "Family caregiver" means a person who cares for
19.13 another person:

19.14 (1) who is related by blood, marriage, or legal custody; or

19.15 (2) with whom the person lives in a familial relationship.

19.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.17 Sec. 3. Minnesota Statutes 2012, section 363A.08, subdivision 1, is amended to read:

12.30 Sec. 2. Minnesota Statutes 2012, section 181.939, is amended to read:
12.31 **181.939 NURSING MOTHERS.**

12.32 Subdivision 1. **Employer duties.** (a) An employer must provide reasonable unpaid
12.33 break time each day to an employee who needs to express breast milk for her infant child.
12.34 The break time must, if possible, run concurrently with any break time already provided to
13.1 the employee. An employer is not required to provide break time under this section if to
13.2 do so would unduly disrupt the operations of the employer.

13.3 (b) The employer must make reasonable efforts to provide a room or other location,
13.4 in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded
13.5 from view and free from intrusion from coworkers and the public and that includes access
13.6 to an electrical outlet, where the employee can express her milk in privacy. The employer
13.7 would be held harmless if reasonable effort has been made.

13.8 (c) For the purposes of this section, "employer" means a person or entity that
13.9 employs one or more employees and includes the state and its political subdivisions.

13.10 (d) An employer may not retaliate against an employee for asserting rights or
13.11 remedies under this section.

13.12 Subd. 2. **Enforcement.** The Department of Labor and Industry shall enforce this
13.13 section. The department shall assess a fine of up to \$1,000 for a first violation and up to
13.14 \$2,000 for a second and subsequent violations of this section. A fine shall be assessed
13.15 only if an employer fails to remedy a violation within 15 days of written notice of a
13.16 violation from the department.

19.18 Subdivision 1. **Labor organization.** Except when based on a bona fide occupational
19.19 qualification, it is an unfair employment practice for a labor organization, because of race,
19.20 color, creed, religion, national origin, sex, marital status, status with regard to public
19.21 assistance, familial status, status as a family caregiver, disability, sexual orientation, or age:

19.22 (1) to deny full and equal membership rights to a person seeking membership or
19.23 to a member;

19.24 (2) to expel a member from membership;

19.25 (3) to discriminate against a person seeking membership or a member with respect
19.26 to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities,
19.27 or privileges of employment; or

19.28 (4) to fail to classify properly, or refer for employment or otherwise to discriminate
19.29 against a person or member.

19.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.31 Sec. 4. Minnesota Statutes 2012, section 363A.08, subdivision 2, is amended to read:

20.1 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it
20.2 is an unfair employment practice for an employer, because of race, color, creed, religion,
20.3 national origin, sex, marital status, status with regard to public assistance, familial status,
20.4 status as a family caregiver, membership or activity in a local commission, disability,
20.5 sexual orientation, or age to:

20.6 (1) refuse to hire or to maintain a system of employment which unreasonably
20.7 excludes a person seeking employment; or

20.8 (2) discharge an employee; or

20.9 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,
20.10 upgrading, conditions, facilities, or privileges of employment.

20.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

20.12 Sec. 5. Minnesota Statutes 2012, section 363A.08, subdivision 3, is amended to read:

20.13 Subd. 3. **Employment agency.** Except when based on a bona fide occupational
20.14 qualification, it is an unfair employment practice for an employment agency, because of
20.15 race, color, creed, religion, national origin, sex, marital status, status with regard to public
20.16 assistance, familial status, status as a family caregiver, disability, sexual orientation, or
20.17 age to:

20.18 (1) refuse or fail to accept, register, classify properly, or refer for employment or
20.19 otherwise to discriminate against a person; or

20.20 (2) comply with a request from an employer for referral of applicants for
20.21 employment if the request indicates directly or indirectly that the employer fails to comply
20.22 with the provisions of this chapter.

20.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

20.24 Sec. 6. Minnesota Statutes 2012, section 363A.08, subdivision 4, is amended to read:

20.25 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
20.26 based on a bona fide occupational qualification, it is an unfair employment practice for an
20.27 employer, employment agency, or labor organization, before a person is employed by an
20.28 employer or admitted to membership in a labor organization, to:

20.29 (1) require or request the person to furnish information that pertains to race, color,
20.30 creed, religion, national origin, sex, marital status, status with regard to public assistance,
20.31 familial status, status as a family caregiver, disability, sexual orientation, or age; or, subject
20.32 to section 363A.20, to require or request a person to undergo physical examination; unless
20.33 for the sole and exclusive purpose of national security, information pertaining to national
21.1 origin is required by the United States, this state or a political subdivision or agency of
21.2 the United States or this state, or for the sole and exclusive purpose of compliance with
21.3 the Public Contracts Act or any rule, regulation, or laws of the United States or of this
21.4 state requiring the information or examination. A law enforcement agency may, after
21.5 notifying an applicant for a peace officer or part-time peace officer position that the law
21.6 enforcement agency is commencing the background investigation on the applicant, request
21.7 the applicant's date of birth, gender, and race on a separate form for the sole and exclusive
21.8 purpose of conducting a criminal history check, a driver's license check, and fingerprint
21.9 criminal history inquiry. The form shall include a statement indicating why the data is
21.10 being collected and what its limited use will be. No document which has date of birth,
21.11 gender, or race information will be included in the information given to or available to
21.12 any person who is involved in selecting the person or persons employed other than the
21.13 background investigator. No person may act both as background investigator and be
21.14 involved in the selection of an employee except that the background investigator's report
21.15 about background may be used in that selection as long as no direct or indirect references
21.16 are made to the applicant's race, age, or gender; or

21.17 (2) seek and obtain for purposes of making a job decision, information from any
21.18 source that pertains to the person's race, color, creed, religion, national origin, sex,
21.19 marital status, status with regard to public assistance, familial status, status as a family
21.20 caregiver, disability, sexual orientation, or age, unless for the sole and exclusive purpose
21.21 of compliance with the Public Contracts Act or any rule, regulation, or laws of the United
21.22 States or of this state requiring the information; or

21.23 (3) cause to be printed or published a notice or advertisement that relates to
21.24 employment or membership and discloses a preference, limitation, specification, or
21.25 discrimination based on race, color, creed, religion, national origin, sex, marital status,
21.26 status with regard to public assistance, familial status, status as a family caregiver,
21.27 disability, sexual orientation, or age.

21.28 (b) Any individual who is required to provide information that is prohibited by this
21.29 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,
21.30 subdivisions 1 to 9.

21.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.32 Sec. 7. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision
21.33 to read:

22.1 Subd. 8. **Nursing mothers.** Except when based on a bona fide occupational
22.2 qualification, any violation of section 181.939 by an employer is an unfair employment
22.3 practice.

22.4 Sec. 8. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision
22.5 to read:

22.6 Subd. 9. **Wage disclosure protection.** (a) An employer shall not:

22.7 (1) require nondisclosure by an employee of the employee's wages as a condition of
22.8 employment;

22.9 (2) require an employee to sign a waiver or other document which purports to deny
22.10 an employee the right to disclose the employee's wages; or

22.11 (3) take any adverse employment action against an employee for disclosing the
22.12 employee's own wages or discussing another employee's wages which have been disclosed
22.13 voluntarily.

22.14 (b) Nothing in this section shall be construed to:

22.15 (1) create an obligation on any employer or employee to disclose wages;

22.16 (2) permit an employee, without the written consent of the employer, to disclose
22.17 proprietary information, trade secret information, or information that is otherwise subject
22.18 to a legal privilege or protected by law;

22.19 (3) diminish any existing rights under the National Labor Relations Act under
22.20 United States Code, title 29; or

22.21 (4) permit the employee to disclose wage information to a competitor of their
22.22 employer.

12.3 Section 1. **[181.172] WAGE DISCLOSURE PROTECTION.**

12.4 (a) An employer shall not:

12.5 (1) require nondisclosure by an employee of his or her wages as a condition of
12.6 employment;

12.7 (2) require an employee to sign a waiver or other document which purports to deny
12.8 an employee the right to disclose the employee's wages; or

12.9 (3) take any adverse employment action against an employee for disclosing the
12.10 employee's own wages or discussing another employee's wages which have been disclosed
12.11 voluntarily.

12.12 (b) Nothing in this section shall be construed to:

12.13 (1) create an obligation on any employer or employee to disclose wages;

12.14 (2) permit an employee, without the written consent of the employer, to disclose
12.15 proprietary information, trade secret information, or information that is otherwise subject
12.16 to a legal privilege or protected by law;

12.17 (3) diminish any existing rights under the National Labor Relations Act under
12.18 United States Code, title 29; or

12.19 (4) permit the employee to disclose wage information of other employees to a
12.20 competitor of their employer.

12.21 (c) An employer that provides an employee handbook to its employees must include
12.22 in the handbook notice of employee rights and remedies under this section.

12.23 (d) An employer may not retaliate against an employee for asserting rights or
12.24 remedies under this section.

12.25 (e) An employee may bring a civil action against an employer for a violation of
12.26 paragraph (a) or (d). If a court finds that an employer has violated paragraph (a) or (d), the
12.27 court may order reinstatement, back pay, restoration of lost service credit, if appropriate,
12.28 and the expungement of any related adverse records of an employee who was the subject
12.29 of the violation.

22.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.24 **ARTICLE 5**

22.25 **EARLY CHILDHOOD**

22.26 Section 1. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 3,
22.27 is amended to read:

22.28 Subd. 3. **Administration.** (a) The commissioner shall establish application
22.29 timelines and determine the schedule for awarding scholarships that meets operational
22.30 needs of eligible families and programs. The commissioner may prioritize applications on
22.31 factors including family income, geographic location, and whether the child's family is on a
22.32 waiting list for a publicly funded program providing early education or child care services.

23.1 (b) Scholarships may be awarded ~~up to \$5,000 for~~ each eligible child. The
23.2 commissioner shall establish a target for the average scholarship amount per child
23.3 based on the results of the rate survey conducted under section 119B.13, subdivision 1,
23.4 paragraph (b), per year.

23.5 (c) A four-star rated program that has children eligible for a scholarship enrolled
23.6 in or on a waiting list for a program beginning in July, August, or September may notify
23.7 the commissioner, in the form and manner prescribed by the commissioner, each year
23.8 of the program's desire to enhance program services or to serve more children than
23.9 current funding provides. The commissioner may designate a predetermined number of
23.10 scholarship slots for that program and notify the program of that number.

23.11 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has
23.12 not been accepted and subsequently enrolled in a rated program within ten months of the
23.13 awarding of the scholarship, the scholarship cancels and the recipient must reapply in
23.14 order to be eligible for another scholarship. A child may not be awarded more than one
23.15 scholarship in a 12-month period.

23.16 (e) A child who receives a scholarship who has not completed development

23.17 screening under sections 121A.16 to 121A.19 must complete that screening within 90

23.18 days of first attending an eligible program.

23.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.